

## **REMARKS**

Applicant has amended the claims to improve clarity and remove use of § 112, paragraph 6 “means for” claim language.

Applicant traverses the 35 U.S.C. § 103(a) rejection of claims 1-4, 7, 9-12, and 19-20 over Omura (U.S. 5,552,786) in view of Klinghauf (U.S. 6,969,089); the § 103(a) rejection of claims 5-6 over Omura in view of Brambilla (U.S. 2001/0054816); and the § 103(a) rejection of claims 8 and 13 over Omura in view of Mizutani (U.S. 2004/0122573).

Applicant has amended the claims to recite, in combination with the other recited elements of the vehicle seatbelt apparatus, a winder release control unit configured to release the seatbelt to move freely responsive to detection of avoidance of the collision with the object while the seatbelt is wound by the first and second winding control units. For this reason, a passenger can be released from constraint by the seatbelt when collision is avoided, and also when the vehicle is stopped when a collision has occurred.

This claim language is supported at page 11, lines 17-21 of the specification, and does not represent new matter.

In contrast, Omura discloses at step S10 (Fig. 2) a second control circuit 17, and a second command signal to cause a second preloader mechanism PT2 (explosive preloader 18) to retract a seatbelt 2 from a second occupant-restraining position to a third occupant restraining position, with a second degree F2 of tension exerted on the seatbelt 2 (col. 6, lines 41-48). Seatbelt 2 cannot be released after winding by the second degree F2 of tension because explosive preloader 18 controls the winding of seatbelt 2. Omura does not disclose or suggest that the seatbelt is released to move freely responsive to detection of avoidance of the collision with the object while the

seatbelt is wound by the second winding control units. The passenger, therefore, cannot be released from constraint by the seatbelt after collision avoidance, and also when the vehicle is stopped when a collision has occurred. In fact, for the reasons explained above, Omura teaches away from this capability.

Neither Klinghauf, Brambilla, nor Mizutani disclose or suggest the above-described claim feature absent from Omura. Therefore, no possible combination of these references created a *prima facie* case of obviousness. See In re Rouffet, 149 F.3d 1350 (Fed. Cir. 1998). See also M.P.E.P. § 2143.

Entry of this Amendment is proper under Rule 116 in order to place this case in condition for allowance or in better form for appeal.

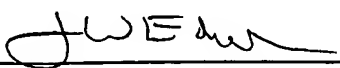
In view of the foregoing remarks, Applicant submits that the claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this Amendment, the Examiner's reconsideration of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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Dated: July 15, 2008

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